

Message Text

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APPROVED BY L/CA:REDALTON
ARA/MEX - D. SIMCOX
CA/SCS - A. GISE
JUSTICE - M. ABBELL
L - J.H. MICHEL
L/T - A. ROVINE

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FM SECSTATE WASHDC
TO AMEMBASSY MEXICO

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E.O. 11652: N/A

TAGS: CARR, PFOR, MX

SUBJECT: LETTER FROM ATTORNEY GENERAL FLORES SANCHEZ TO
ATTORNEY GENERAL BELL

REF: (A) MEXICO 4343, (B) STATE 36281

1. DEPARTMENTS OF STATE AND JUSTICE HAVE GIVEN MOST SERIOUS
CONSIDERATION TO PROPOSAL CONTAINED IN LETTER FROM ATTORNEY
GENERAL OSCAR FLORES SANCHEZ TO ATTORNEY GENERAL BELL (REF
A). PROVISIONS OF U.S. IMPLEMENTING LEGISLATION MAKE NECES-
SARY SOMEWHAT MORE SPECIFIC PROVISIONS THAN FLORES PROPOSED,
A LIKLIHOOD THAT HE RECOGNIZED IN HIS PROPOSAL.

2. EMBASSY IS AUTHORIZED TO PROPOSE TO MEXICANS ADOPTION OF
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AGREEMENT ALONG LINES CONTAINED REFTEL B AND SHOULD SUBMIT
THAT TEXT WITH FOLLOWING CHANGES:

A. FIRST PREAMBULAR PARAGRAPH SHOULD BE CHANGED TO MAKE
REFERENCE TO SECRETARY OF STATE AND SECRETARY OF FOREIGN
RELATIONS OF MEXICO. THIRD PREAMBULAR PARAGRAPH MAY BE DE-
LETED UNLESS EMBASSY CONSIDERS REFERENCE TO PROCURADOR

GENERAL OF MEXICO DESIRABLE. IF SO, PARAGRAPH SHOULD BE AMENDED TO READ: "RECALLING THAT THE ATTORNEY GENERAL OF THE UNITED STATES OF AMERICA AND THE PROCURADOR GENERAL OF THE

UNITED MEXICAN STATES HAVE BEEN DESIGNATED BY THEIR RESPECTIVE GOVERNMENTS PURSUANT TO ARTICLE III OF THE TREATY AS THE AUTHORITIES TO PERFORM THE FUNCTIONS PROVIDED IN THE TREATY."

B. IN ARTICLE IA PHRASE "BY THE AUTHORITIES" SHOULD BE SUBSTITUTED FOR PHRASE "IN ACCORDANCE WITH THE LAW".

C. REFERENCES IN ARTICLES II AND III TO THE CHIEF OF THE DIPLOMATIC MISSION OF THE OTHER COUNTRY, OR THE CHIEF OF MISSION'S DESIGNEE, SHOULD BE DELETED. BOTH ARTICLES SHOULD PROVIDE FOR TURNING OVER OF CUSTODY OF THE PERSON CONCERNED TO AUTHORITIES OF THE RECEIVING STATE AT AN AGREED UPON BORDER CROSSING POINT. DEPARTMENT SUGGESTS THAT PERSONS RECEIVING CUSTODY BE DESCRIBED AS "APPROPRIATE AUTHORITIES OF THE RECEIVING STATE". THIS WOULD PERMIT PERSONS BEING TRANSFERRED UNDER ARTICLE II TO BE HANDED OVER TO AUTHORITIES OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE AND PERSONS TRANSFERRED UNDER ARTICLE III TO BE HANDED OVER TO UNITED STATES MARSHALS OR OTHER APPROPRIATE OFFICIALS OF THE DEPARTMENT OF JUSTICE.

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3. IN CONVEYING TEXT TO GOM, EMBASSY SHOULD STATE THAT DEPARTMENT HOPES THAT AGREEMENT ON THIS MATTER CAN BE WORKED OUT IN TIME TO PERMIT SIGNATURE BY SECRETARY OF FOREIGN RELATIONS AND SECRETARY VANCE DURING LATTER'S FORTHCOMING VISIT TO MEXICO. CHRISTOPHER

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